

CITY COUNCIL
ATLANTA, GEORGIA

**A SUBSTITUTE ORDINANCE
BY COUNCILMAN IVORY LEE YOUNG, JR.**

05-O-0092

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, DIVISION 2, SECTION 10-88 (e) OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO PROVIDE AN ADDITIONAL EXEMPTION TO AUTHORIZE ENTERTAINMENT AT A RESTAURANT OR SIDEWALK CAFÉ WHICH SELLS ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IF THE RESTAURANT OR SIDEWALK CAFÉ MEETS CERTAIN REQUIREMENTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in regulating the sale of alcoholic beverages within its city limits, and it has in place certain regulations which provide that distance requirements must be met in order to obtain a license to sell alcoholic beverages; and

WHEREAS, the City of Atlanta Alcoholic Beverage Code already exempts restaurants licensed to serve alcoholic beverages for on premise consumption from certain distances requirements, including distances to college campuses, so long as they do not provide entertainment; and

WHEREAS, certain areas of the City of Atlanta are being revitalized and are being built to take advantage of the opportunity to establish an environment of in-town living which caters to the convenience of the residents and businesses therein; and

WHEREAS, one of the areas that is currently undergoing revitalization is the area known Castleberry Hills neighborhood; and

WHEREAS, the Castleberry Hills neighborhood area has been historically an economically depressed area of the City which the City desires to revitalize; and

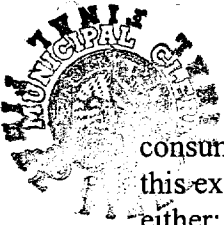
WHEREAS, more specifically, the City of Atlanta desires to encourage opportunities for economic development, both residential and commercial, in the Castleberry Hills neighborhood area located within a large mixed use development inside of a Urban Enterprise Zone; and

WHEREAS, the exemption provided herein will enhance the aesthetic quality of the Castleberry Hills neighborhood area and will have a positive economic impact on such area.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1: Chapter 10, Article II, Division 2, Section 10-88 (e) of the City of Atlanta Code of Ordinances, which currently provides as follows:

“(e) The provisions of this section shall not apply to licenses issued hereunder to restaurants or sidewalk cafes, as defined in section 10-1, for the sale of alcoholic beverages for on-premises



consumption; provided, however, that in order for a restaurant or sidewalk cafe to come within this exemption it shall provide no entertainment, as defined in section 10-1, unless it is located either:

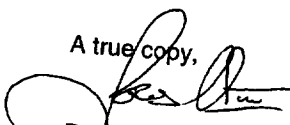
- (i) within a mixed-use development (as that term is defined in section 16-29.001(24)) that has zoning approval for at least 50,000 square feet of retail space, 100,000 square feet of office space and 300 residential units or
- (ii) within a multi-building complex, which, for purposes of this code section, shall mean a group of buildings planned, developed and managed as a unit which is comprised of at least 50,000 square feet of retail shopping and/or restaurant space, at least 50,000 square feet of institutional office space; at least 100,000 square feet of space used for research and education, and at least 100,000 square feet of conference center space, as long as such multi-building complex is located on a college campus.

Under no circumstances may music and/or live entertainment be provided in an outdoor dining area."

is hereby amended by adding a new subsection (iii) which shall provide as follows:

- (iii) or within a mixed-use development (as that term is defined in section 16-29.001(24)), comprised of not less than 99,000 total square feet, that has zoning approval for at least 2,000 square feet of retail space, 3,000 square feet of office space and at least 70 residential units, which is located within the jurisdictional boundaries of the City of Atlanta Downtown Development Authority and is also located within an Urban Enterprise Zone created by the City.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy,

Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

February 7, 2005
February 14, 2005

RCS# 6472
2/07/05
4:40 PM

Atlanta City Council

Regular Session

05-O-0092

AMEND 10-88 ADDITIONAL EXEMPTION AUTH
ENTERTAINMENT SIDEWALK CAFE SELL ALCOHOL
ADOPT ON SUB

YEAS: 12
NAYS: 2
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	N Moore	Y Mitchell
Y Starnes	N Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

05-O-0092

RCS# 6471
2/07/05
4:38 PM

Atlanta City Council

Regular Session

05-O-0092

AMEND 10-88 ADDITIONAL EXEMPTION AUTH
ENTERTAINMENT SIDEWALK CAFE SELL ALCOHOL
RECONSIDER

YEAS: 13
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	N Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	NV Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

05-O-0092

RCS# 6470
2/07/05
4:11 PM

Atlanta City Council

Regular Session

05-O-0092

AMEND 10-88 ADDITIONAL EXEMPTION AUTH
ENTERTAINMENT SIDEWALK CAFE SELL ALCOHOL
ADOPT ON SUB

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	NV Muller	Y Sheperd	NV Borders

05-O-0092

RCS# 6469
2/07/05
4:10 PM

Atlanta City Council

Committee of the Whole
~~Regular Session~~

PROCEDURAL

**** RETURN TO REGULAR SESSION ****

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	NV Muller	Y Sheperd	NV Borders

PROCEDURAL

RCS# 6468
2/07/05
4:09 PM

Atlanta City Council
Committee of the Whole
~~Regular Session~~

05-O-0092

AMEND 10-88 ADDITIONAL EXEMPTION AUTH
ENTERTAINMENT SIDEWALK CAFE SELL ALCOHOL
APPROVE CN SUB

YEAS: 10
NAYS: 3
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	N Archibong	N Moore	Y Mitchell
Y Starnes	N Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	NV Muller	Y Sheperd	NV Borders

05-O-0092

RCS# 6467
2/07/05
4:08 PM

Atlanta City Council
Committee of the Whole
~~Regular Session~~

05-O-0092

AMEND 10-88 ADDITIONAL EXEMPTION AUTH
ENTERTAINMENT SIDEWALK CAFE SELL ALCOHOL
SUB FWD

YEAS: 11
NAYS: 2
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	N Moore	Y Mitchell
Y Starnes	N Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	NV Muller	Y Sheperd	NV Borders

05-O-0092

RCS# 6466
2/07/05
3:39 PM

Atlanta City Council

Regular Session

PROCEDURAL

**** ENTER COMMITTEE OF THE WHOLE ****

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	NV Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	NV Maddox	Y Willis
Y Winslow	Y Muller	NV Sheperd	NV Borders

PROCEDURAL

#3

05-0-0092
(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER
IVORY LEE YOUNG, JR.

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, DIVISION 2, SECTION 10-88 (e) OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO PROVIDE AN ADDITIONAL EXEMPTION TO AUTHORIZE ENTERTAINMENT AT A RESTAURANT OR SIDEWALK CAFE WHICH SELLS ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IF THE RESTAURANT OR SIDEWALK CAFE MEETS CERTAIN REQUIREMENTS; AND FOR OTHER PURPOSES.

ADOPTED BY

FEB 07 2005

COUNCIL

SUBSTITUTE

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 1/18/05
Referred To: Public Safety/LA
Date Referred
Referred To:
Date Referred
Referred To:
Date Referred
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

RDA Committee

2/1/05 Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Refer To

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Committee

Date

Chair

Action
Fav, Adv, Hold (see rev. side)
Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION

- ☒ 2nd
- ☐ 1st & 2nd
- ☐ 3rd
- ☐ Consent
- ☐ V Vote
- ☒ RC Vote

CERTIFIED

FEB 07 2005

Brought forward from
held status by CW/AS/OW 2/1/05

CERTIFIED
FEB 07 2005
Ivory Lee Young
MAYOR

MAYOR'S ACTION

Ivory Lee Young

MAYOR